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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,293	10/09/2001	Truels Stern Larsen	P67157US0	4934

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EXAMINER

BROWN, MICHAEL A

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 03/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,293

Applicant

Stern Larsen et al

Examiner

Michael Brown

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 12 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Delmore.

Delmore discloses in figure 2a pressure dressing comprising an absorbent element 32, a substantially non-absorbing pressure distributing element 30, the absorbent element is situated eccentrically with respect to the pressure element (col. 7, lines 44-46), the absorbent element is situated on a border of the pressure distributing element (the border is the top edge of 30 in figure 3), the pressure distributing element is an elastomer (col. 4, lines 53-57) that includes polyurethane (col. 4, line 57), the absorbent element is made of polyurethane (col. 5, lines 40-43) and a top layer (the

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protective paper) that covers the pressure distributing element before the device is applied to the skin. The pressure distributing element has adhesive properties (self adhering). The absorbent element is located on one side of a centerline drawn perpendicular to the longitudinal length of the pressure distributing element (col. (col. 7, lines 44-46)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmore in view of Malloui.

Delmore discloses in figures 1-2 a pressure dressing, substantially as claimed. However, Delmore does not disclose the absorbent element extending through or partially through the pressure distributing element or the pressure distributing element having indentations. Malloui teaches in figures 1-3 a pressure dressing comprising an absorbent element 3 that extends through a pressure distributing element (2, 2). The pressure distributing elements has indentations (fig. 3). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the absorbing element disclosed by Delmore could extend through or partially through the pressure distributing element as taught by Malloui in order to allow a specific amount of pressure to cause the absorb element to move into contact with a wound and absorb

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body fluids. The indents could be used to allow air to pass through the pressure distributing element. Delmore also discloses indentations (the outer layer is porous).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delmore in view of Flam.

Delmore discloses in figure 2 a pressure dressing, substantially as claimed. However, Delmore does not disclose the dressing having a pressure indicator. Flam teaches in figure 1 a pressure dressing comprising a pressure indicator (col. 3, lines 3-6). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the pressure indicator as taught by Flam could be incorporated into the pressure dressing disclosed by Delmore in order to be able to signal changes in the amount of pressure applied to the dressing over a wound.

Claims 11, 13-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmore in view of Dobos.

Delmore discloses in figure 2 a pressure dressing, substantially as claimed. However, Delmore does not disclose absorbent element having an antimicrobial agent or the pressure distributing element being elliptical in shape. Dobos teaches in figures 1-12 a pressure dressing comprising an absorbent element that includes an antimicrobial agent (col. 11, lines 45-48) and the dressing can be any shape (col. 11, lines 34-36, which includes elliptical). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the absorbent element disclosed by Delmore could be fabricated with an antimicrobial agent as taught by Dobos in order to increase a defense against microorganisms. The pressure

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distributing element could be any shape (any shape includes elliptical) because the shape is not critical.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 13 above, and further in view of Marcussen.

Marcussen teaches in figure 1 a dressing comprising beveled edges 4. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the edges of the dressing disclosed by Delmore could be fabricated as beveled edges as taught by Marcussen in order to use the beveled edges to be able to grip the outer edge of the dressing when pulling the dressing from a wound or incision.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 703-308-2682. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 703-308-2698. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Brown
March 17, 2004

MICHAEL A. BROWN
PRIMARY EXAMINER